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10/772,165

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EXAMINER

QUIETT, CARRAMAH J

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/772,165 | Applicant(s) LARSON, BRAD R. | |
| | Examiner Carramah J. Quiett | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 09/07/2007, have been entered and made of record. Claims 1-21 are pending:

Response to Arguments

2. Applicant's arguments with respect to **claims 1-18 and 20-21** have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed 09/07/2007 have been fully considered but they are not persuasive.

The Applicant asserts that Anderson does not teach limitation (6) of claim 19, which is recited as:

(6) moving the transparent displayed image across the display in a direction that is opposite to the direction of the subsequent photograph until the transparent displayed image overlaps a predetermined portion of the subsequent photograph that is to be taken, which overlap is used to align and place the subsequent photograph relative to the photograph;

In particular, the Applicant states that, "...the Anderson patent teaches that the transparent displayed image (i.e., the previously captured pane) is not moved across the display in a direction that is opposite to the direction of the subsequent photograph until it overlaps a predetermined portion of the subsequent photograph that is to be taken."

Respectfully, the Examiner disagrees. As shown in figs. 6 and 8-10, the transparent displayed image of Anderson is an image in one of the zones (440a,b,c,d). For example, one zone displays a live image and the other zone displays a still image of the overlapping portion of

the last captured image. Please read Anderson col. 6, lines 22-52. Accordingly, the Examiner maintains the rejections to claim 19-20.

Claim Rejections - 35 USC § 102

4. **Claims 19-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (U.S. Pat. #6,657,667).

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

For **claim 19**, Anderson teaches a method for use with a digital camera having a lens (col. 3, lines 44-49), an image sensor for sensing an image viewed by the lens (col. 3, lines 50-56), a display for displaying the image sensed by the image sensor (col. 4, lines 4-23), a storage device for storing the image sensed by the image sensor (col. 4, lines 4-36), a user interface (col. 5, lines 53-67), and processing circuitry coupled to the display, lens, image sensor, user interface and storage device (col. 3, line 26 – col. 4, line 58), the method comprising the steps of:

- (1) taking a photograph (col. 7, lines 7-35);
- (2) displaying the photograph on the display (col. 7, lines 7-35);
- (3) using a user interface to select that a composite photograph is to be taken (col. 6, lines 53-61; col. 7, lines 7-35);
- (4) using the user interface to indicate in which direction a subsequent photograph is to be taken (col. 8, lines 1-10);
- (5) making the displayed image transparent (zones – see figs. 6 and 8-10, ref. 440);

(6) moving the transparent displayed image across the display in a direction that is opposite to the direction of the subsequent photograph until the transparent displayed image overlaps a predetermined portion of the subsequent photograph that is to be taken, which overlap is used to align and place the subsequent photograph relative to the photograph (col. 6, lines 36-52; col. 7, lines 7 – col. 8, lines 10);

(7) taking the subsequent photograph (col. 8, lines 1-10); and

(8) repeating steps (4) through (7) until all photographs making up the composite photograph are taken (see figs. 7A/B).

For **claim 20**, Anderson teaches the method further comprising the steps of: using the user interface to select that the composite photograph is complete; and returning the display to normal, nontransparent, operation. Please see figs. 5, ref. 402 and 7A, Steps 566, 568, and 570; and read col. 9, lines 48-59.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1-5, 9, 11-15, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. #6,657,667) in view of Shioji et al. (U.S. Pat. #7,057,658).

For **claim 1**, Anderson discloses a digital camera system (figs. 1-3) comprising:

a lens (220; col. 3, lines 44-49);

an image sensor (224) for sensing an image viewed by the lens (col. 3, lines 50-56);

a display (402) for displaying the image sensed by the image sensor (col. 4, lines 4-23);

a storage device (350, 354, 356) for storing the image sensed by the image sensor (col. 4, lines 4-36);

processing circuitry (118) coupled to the display, lens, image sensor, and storage device (col. 3, line 26 – col. 4, line 58); and

a processing algorithm that runs on the processing circuitry (col. 4, lines 4-15) that:
provides a user interface (408; col. 5, lines 53-67) for selecting if a composite photograph is to be taken (col. 6, lines 53-61) and for identifying a location of a first photograph to be taken (col. 7, lines 7-35; figs. 7A and 8);

after the first photograph has been taken, overlays indicia on the display indicating an overlapping area within a second photograph that is to be taken (col. 7, lines 31-42; fig. 9); and

moves the overlaid indicia along with the image displayed on the display as the camera is moved to a position to take the second photograph, which overlaid indicia is used to align and place the second photograph relative to the first photograph (col. 7, lines 31-42; fig. 9).

However, Anderson does not expressly teach a system that moves the overlaid indicia over the image displayed on the display.

In a similar field of endeavor, Shioji discloses a system that moves the overlaid indicia over the image displayed on the display (figs. 5A-5D and 6A-6F; col. 5, line 26 -- col. 6, line 60). In light of the teach of Shioji, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anderson with a system that moves the overlaid indicia over the image displayed on the display in order to provide a system with image processing without the necessity of preparing a separate image processing apparatus (col. 1, lines 23-26).

For **claim 2**, Anderson discloses the system wherein the algorithm displays a user interface on the display for indicating the size (format) of the desired composite photograph (col. 7, lines 7-18; fig. 8).

For **claim 3**, Anderson discloses the system wherein the algorithm displays selection buttons (icons) on the display as part of the user interface to select if a composite photograph is to be taken (col. 7, lines 7-18; fig. 8).

For **claim 4**, Anderson discloses the system wherein the algorithm displays a menu for indicating the size of the desired composite photograph (col. 7, lines 7-18; fig. 8).

For **claim 5**, Anderson discloses the system wherein the indicia comprises a grid indicating the width and height of the desired composite photograph (col. 7, lines 7-18; fig. 8).

For **claim 9**, Anderson discloses the system wherein the algorithm stores the location of photographs that are taken; and after the user selects a location of a subsequent photograph, displays indicia adjacent bordering images to guide the user's placement of the next photograph relative to the indicia on the display. Please read col. 7, line 7 – col. 8, line 10 and see figs. 4-14.

Regarding **claims 11-15**, these claims are method claims corresponding to the apparatus claims 1-5, respectively. Therefore, method claims 11-15 are analyzed and rejected as previously discussed with respect to claims 1-5, respectively.

For **claim 21**, Anderson discloses a digital camera system (figs. 1-3) comprising:
a lens (220; col. 3, lines 44-49);
image sensing means (224) for sensing an image viewed by the lens (col. 3, lines 50-56);
display means (402) for displaying the image sensed by the image sensor (col. 4, lines 4-23);

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storage means (350, 354, 356) for storing the image sensed by the image sensor (col. 4, lines 4-36); and

processing means (118) coupled to the display, lens, image sensor, and storage device (col. 3, line 26 – col. 4, line 58) that embodies a processing algorithm (344; col. 4, lines 4-15) that:

provides (408; col. 5, lines 53-67) a user interface for selecting if a composite photograph is to be taken (col. 6, lines 53-61) and for identifying a location of a first photograph to be taken (col. 7, lines 7-35; figs. 7A and 8);

after the first photograph has been taken, overlays indicia on the display indicating an overlapping area within a second photograph that is to be taken (col. 7, lines 31-42; fig. 9); and

moves the overlaid indicia along with the image displayed on the display as the camera is moved to a position to take the second photograph, which overlaid indicia is used to align and place the second photograph relative to the first photograph (col. 7, lines 31-42; fig. 9). However, Anderson does not expressly teach a system that moves the overlaid indicia over the image displayed on the display.

In a similar field of endeavor, Shioji discloses a system that moves the overlaid indicia over the image displayed on the display (figs. 5A-5D and 6A-6F; col. 5, line 26 -- col. 6, line 60). In light of the teach of Shioji, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anderson with a system that moves the overlaid indicia over the image displayed on the display in order to provide a system with image processing without the necessity of preparing a separate image processing apparatus (col. 1, lines 23-26).

8. **Claims 6-8 and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. #6,657,667) in view of Shioji et al. (U.S. Pat. #7,057,658) as applied to claims 1 and 11 above, and further in view of Tamayama et al. (U.S. Pat. #6,545,708).

For **claim 6**, Anderson, as modified by Shioji, discloses the system wherein the indicia comprises the first photograph (col. 7, lines 7-18; figs. 6 and 8-10). However, Anderson does not expressly disclose that the indicia comprises a shadow copy of the first photograph. In a similar field of endeavor, Tamayama discloses a system wherein the indicia (figs. 5/7, refs. 100-104) comprises a shadow copy of the first photograph (ref. 101-102). Please read Tamayama, col. 6, line 62 – col. 7, line 9 and col. 11, lines 18-25. In light of the teaching of Tamayama, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anderson with a shadow copy of the first photograph so that the color of the area within the frame is different from that of any other area thereby providing a conspicuous appearance (Tamayama, col. 7, lines 6-9).

For **claim 7**, Anderson, modified by Shioji and Tamayama, discloses the system wherein the shadow copy comprises a transparent image (Tamayama, figs. 5/7, refs. 100-104; col. 6, line 62 – col. 7, line 9 and col. 11, lines 18-25.).

For **claim 8**, Anderson, modified by Shioji and Tamayama, discloses the system wherein the shadow copy comprises a translucent image (Tamayama, figs. 5/7, refs. 100-104; col. 6, line 62 – col. 7, line 9 and col. 11, lines 18-25.).

Regarding **claims 16-18**, these claims are method claims corresponding to the apparatus claims 6-8, respectively. Therefore, method claims 16-18 are analyzed and rejected as previously discussed with respect to claims 6-8, respectively.

9. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. #6,657,667) in view of Shioji et al. (U.S. Pat. #7,057,658) as applied to claim 1 above, and further in view of Dunton (U.S. Pat. #6,304,284).

For **claim 10**, Anderson, as modified by Shioji, teaches that the zones of the LCD can have a zigzag dividing line (col. 9, lines 6-10). However, Anderson does not expressly disclose the system wherein the algorithm guides the user to take photographs in a zigzag fashion. In a similar field of endeavor, Dunton teaches a system where an algorithm (fig. 1B, ref. 166) guides the user to take photographs in a zigzag fashion (see fig. 1B and read col. 4, lines 12-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the processor of Anderson an algorithm for guiding the user to take photographs in a zigzag fashion in order to provide another procedure for creating a single composite image without gaps between the images (Dunton, col. 1, lines 46-54).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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SUPERVISORY PATENT EXAMINER